

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS**

IN RE: TESTOSTERONE REPLACEMENT THERAPY
PRODUCTS LIABILITY LITIGATION

MDL No. 2545

Master Docket Case No. 1:14-cv-01748

Honorable Matthew F. Kennelly

This document applies to:

All Cases

**PLAINTIFFS’ STEERING COMMITTEE’S MOTION FOR LEAVE TO FILE NOTICE OF
SUPPLEMENTAL AUTHORITY IN SUPPORT OF ITS MEMORANDA OF LAW IN
OPPOSITION TO MOTIONS OF ABBVIE DEFENDANTS TO EXCLUDE PLAINTIFFS’
EXPERT TESTIMONY ON THE ISSUES OF CAUSATION
AND “OFF-LABEL” MARKETING**

The Plaintiffs’ Steering Committee hereby moves the Court for leave to file notice of supplemental authority with respect to: (a) Plaintiffs’ Steering Committee’s Memorandum of Law in Opposition to Motion of AbbVie Defendants for Summary Judgment on Plaintiffs’ “Off-Label” Marketing Claims, and to Exclude Plaintiffs’ Expert Testimony on the Issue of “Off-Label” Marketing (“Off-Label Opposition”), Doc. #1803; and (b) Plaintiffs’ Steering Committee’s Memorandum of Law in Opposition to Motion of AbbVie Defendants to Exclude Plaintiffs’ Expert Testimony on the Issue of Causation, and for Summary Judgment (“Causation Opposition”), Doc. #1812. The Off-Label Opposition was filed on March 21, 2017 and the Causation Opposition was filed on March 23, 2017. On April 13, 2017, the United States District Court for the Eastern District of Louisiana issued its decision in *In re: Xarelto (Rivaroxaban) Products Liability Litigation*, No. 2:14-md-2592, D.E. 6198 (E.D. La., April 13, 2017), denying defendants’ motion to exclude certain opinions of Dr. David Kessler and Dr. Henry Rinder. Plaintiffs respectfully request the Court grant leave to submit notice of that opinion, attached hereto, as supplemental authority further supporting the arguments in Section I of the Off-Label Opposition and Sections II and III of the Causation Opposition.

Dated: April 21, 2017

Respectfully submitted,

/s/ Trent B. Miracle

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Plaintiffs' Co-Lead Counsel *on behalf of* Plaintiffs'
Steering Committee

CERTIFICATE OF SERVICE

I hereby certify that on April 21, 2017, I electronically transmitted the foregoing document to the Clerk of the United States District Court using the CM/ECF system for filing and service to all parties/counsel registered to received copies in this case.

/s/ Brendan A. Smith

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